

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12448GAO

-----  
GMAC MORTGAGE CORPORATION,  
Plaintiff

v.

JEFFREY L. BAYKO, SR., LISA J. BAYKO,  
HELEN E. BAYKO, MICHAEL J. BAYKO,  
BANKNORTH GROUP, HANS R. HAILEY,  
CHARLES D. ROTONDI, COMMONWEALTH  
OF MASSACHUSETTS DEPARTMENT OF  
REVENUE, THE UNITED STATES OF  
AMERICA, GARY EVANS, CHRISTINE ANN  
FARO, AND JOHN AQUINO,  
Defendants  
-----

**OPPOSITION TO**  
**PLAINTIFF'S MOTION TO DEPOSIT SURPLUS FUNDS INTO COURT**  
**AND WITHDRAW**

Michael and Helen Bayko appreciate GMAC's desire to withdraw. However, they are concerned that a Motion to Dismiss for Lack of Jurisdiction is pending.

They respectfully ask that this Court deny the motion at this time or defer consideration on the motion until such time as jurisdiction has been finally determined.

At such time this Court decides that it has jurisdiction and the applicable appeal period for the jurisdiction decision has run, Michael and Helen Bayko will withdraw their objection to the Plaintiffs motion to deposit funds and withdraw.

Respectfully submitted,  
Michael Bayko and Helen Bayko  
by their attorney,

February 10, 2005

/s/ Timothy D. Sullivan

Timothy D. Sullivan, Esq.  
AndoverLaw, P.C.  
451 Andover Street, Suite 185  
North Andover, MA 01845  
(978) 794-0360  
BBO # 563244

**CERTIFICATE OF SERVICE**

I, Timothy D. Sullivan, hereby certify that Michael and Helen Bayko's Opposition to the Plaintiff's Motion to Deposit Surplus Funds Into Court and Withdraw has been served by first class mail, postage prepaid on this 10<sup>th</sup> day of February, 2005 to all parties of record or their record attorney.

/s/ Timothy D. Sullivan

Timothy D. Sullivan, Esq.  
AndoverLaw, P.C.  
451 Andover Street, Suite 185  
North Andover, MA 01845  
(978) 794-0360  
BBO # 563244

**Service List:**

Atty. David M. Rosen  
Harmon Law Offices, P.C.  
150 California Street  
Newton, MA 02458

Atty. Eileen Ryan McAuliffe  
Massachusetts DOR  
Post Office Box 9565  
Boston, MA 02214-9565

Michele A. Ouimet-Rooke  
Doherty, Wallace, Pillsbury & Murphy  
1414 Main Street, Suite 1900  
One Monarch Place  
Springfield, MA 01144

Atty. Lydia Bottome Turanchik  
U.S. Dept. of Justice  
P.O. Box 55, Ben Franklin Station  
Washington, DC 20001

Atty. Christine A. Faro  
79 State Street  
Newburyport, MA 01950

Atty. Barbara Healy Smith  
U.S. Attorney's Office  
1 Courthouse Way, Ste. 9200  
Boston, MA 02210